

File No.: /

The rejection of this application in the above noted Office Action is respectfully traversed.

#### CLAIM OBJECTIONS.

The undersigned wishes to thank the Examiner for his careful observations, and acknowledges the various informalities noted .

These have now been corrected. Several more typos in the claims have also been dealt with.

#### 35 USC 102.

This objection is based on SOCCI '181. It is applied only to claims 1 to 7, and 9 to 16 and 18 to 20.

There is no 102 objection to claim 8, or claim 17 .

It is believed that the claims as filed would have distinguished over 181.

The original claim 1, claimed in para b , that the processor determines whether the head has been in an unsafe position for a certain length of time.

Socci 181 does not provide this function.

However it is believed that in view of the amendments now made, and discussed below, still further distinctions are present defining claim 1 over Socci 181.

Claim 1 , Claim 11 and all remaining dependant claims are now believed to be free of the 102 objection.

#### 35 USC 102.

This objection is based on Socci '168 and applied to the same claims as above

File No.: /

The response to the above objection has already been explained above.

The same observations apply to 102 objections based on 168.

Claim 1 as filed is believed to distinguish over 168.

Claim 1 and Claim 11 and dependent claims as amended are believed to still further distinguish over 168. Reasons are discussed below

### 35 USC 103

This objection is based first of all on Socci 181 coupled with Lee 91001, and secondly on Socci 168 coupled with Lee 91001.

This objection is applied only to claim 8.

Claim 8 was dependent on Claim 1

Claim 8 claimed a selection of one of three elements, namely

1. a photo interrupter.
2. or a piezo element.
3. or a hall effect switch.

None of these were disclosed in Socci 181 or in Socci 168.

Lee discloses only the piezo element (item 2 above).

Lee does not disclose a photo interrupter, (item 1 or a hall effect switch (item 3).

Accordingly it is believed that either of these two elements, when added to claim 1 and to claim 11, provide a clear line of distinction over either combination of references.

### 35 USC 103

Claim 17 is objected to based on Socci 181 coupled with Tilley 206609.

File No.: /

Tilley provides an electronic timer, and a photoelectric switch responsive to ambient light. This simply switches the system on or off.

However Tilley does not disclose either of the two elements referred to above and claimed in claim 8, namely,

A photo interrupter, (item 1) or a hall effect switch. (item 3)

Claim 1 is now amended to incorporate new para b,

a limitation to A PHOTO INTERRUPTER INCORPORATED IN THE SENSOR.

Claim 11 is amended in the same sense.

These claims clearly distinguish over Socci 181 coupled with Lees, and/or Socci 168 coupled with Lees, and/or Socci 181 coupled with Tilley, on this basis .

Old claim 15 is now amended to depend from Claim 11.

Claim 3 to 7, and 19 and 20 are cancelled.

Reconsideration and allowance is earnestly solicited in view of the foregoing. In the event that the Examiner feels that a discussion of the case would be helpful it is respectfully requested that he call the undersigned at the telephone number noted below. It is helpful if the Examiner can quote the attorney docket number and applicant's name.

Yours respectfully,

Fred A. Vaccari et al

Attorney Docket Number 1367U101

Per

*George A Rolston*  
**GEORGE A ROLSTON**  
PATENT AND TRADE MARK AGENT  
U.S. REG 20,535, CAN. 2439

*Dec 21 2009*  
45 Sheppard Avenue East Suite 900,  
Toronto ON Canada M2N 5W9  
416 489 2277